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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MICHAEL ERWINE,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No.: 3:24-cv-00045-MMD-CSD

**STIPULATION AND ORDER FOR  
EXTENSION OF DISCOVERY  
DEADLINES [First Request]**

Plaintiff MICHAEL ERWINE ("Plaintiff") and Defendants CHURCHILL COUNTY, BENJAMIN TROTTER, MICHEL HALL, JOHN LEONARD, ZACHARY WESTBROOK, and GENE M. BURKE ("Defendants") (collectively, the "Parties"), by and through their respective counsel, hereby stipulate and agree that the discovery cut-off and related deadlines in this case be extended for a period of 90 days.

The United States has been dismissed from the case as of the Court's order on November 6, 2024 (ECF No. 107), but may potentially be reinstated as a party pending the resolution of Plaintiff's Motion to Alter or Amend (ECF No. 110).

1           The additional time is necessary due to the procedural complexities of this case,  
2           which have impacted the Parties' ability to efficiently conduct discovery. Specifically, the  
3           pending Motion to Dismiss filed by Defendants Michel Hall, John Leonard, and Zachary  
4           Westbrook (collectively, the "Tribal Defendants") (ECF No. 111, filed 11/22/2024), along  
5           with the associated Motion for Leave to File a supplemental document (ECF No. 118, filed  
6           12/18/2024), remains unresolved and raises significant issues of tribal sovereign  
7           immunity and personal immunity defenses that could affect the scope of discovery.  
8           Additionally, Plaintiff's Motion to Alter or Amend the dismissal of the United States from  
9           the case (ECF No. 110, filed 11/11/2024), following the Court's order granting the United  
10          States' Motion to Dismiss (ECF No. 107, entered 11/07/2024), introduces further  
11          uncertainty regarding the Parties' obligations and the potential re-inclusion of the United  
12          States as a party. These complexities, evidenced by the active motion practice require  
13          additional time to allow the Parties to address these issues and conduct discovery  
14          efficiently.  
15          efficiently.

16           This is the first request for an extension of these deadlines in this matter. This  
17          request is made in good faith and is not for the purpose of delay.

18           Pursuant to Local Rule 26-4, the Parties provide the following information to the  
19          Court in connection with their request for an extension of discovery deadlines:  
20          Court in connection with their request for an extension of discovery deadlines:

21           **A. Statement of Discovery that has been Completed**

22           The Parties have conducted an early case conference pursuant to Fed. R. Civ. P.  
23          26(f) on August 6, 2024, and have served initial disclosures in accordance with Fed. R.  
24          Civ. P. 26(a) on or before August 20, 2024, as stipulated (ECF No. 92). The Parties have  
25          also entered into a Stipulated Protective Order to facilitate the exchange of confidential  
26          information.  
27          information.  
28          information.

1 materials (ECF No. 101, approved by ECF No. 102 on 9/16/2024). Limited discovery has  
2 commenced between Plaintiff and certain Defendants not subject to a stay.

3 **B. Description of the Discovery that Remains to be Completed and the**  
4 **Reasons**

5 The Parties will need to issue requests for production, interrogatories, and  
6 requests for admission, and conduct depositions of numerous witnesses, including  
7 representatives of out-of-state law enforcement agencies identified in Plaintiff's First  
8 Amended Complaint (ECF No. 59). The procedural complexities noted above, including  
9 the Tribal Defendants' Motion to Dismiss (ECF No. 111) and Plaintiff's Motion to Alter or  
10 Amend (ECF No. 110), have delayed the Parties' ability to fully engage in this discovery,  
11 as the resolution of these motions may alter the scope of discoverable matters and the  
12 Parties involved.  
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15 **C. Proposed Schedule for Completing all Remaining Discovery**

16 **Discovery Cut-Off Date:**

17 Existing Deadline: Monday, June 2, 2025

18 New Deadline: Monday, September 1, 2025 (adjusted from Sunday, August 31,  
19 2025)  
20

21 **Disclosures (Experts):**

22 Existing Deadline: Thursday, April 3, 2025

23 New Deadline: Wednesday, July 2, 2025

24 **Disclosures regarding rebuttal experts:**

25 Existing Deadline: Friday, May 5, 2025

26 New Deadline: Monday, August 4, 2025  
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**Dispositive Motions:**

Existing Deadline: Wednesday, July 2, 2025

New Deadline: Tuesday, September 30, 2025

**Joint Pretrial Order:**

Existing Deadline: Wednesday, August 1, 2025

New Deadline: Friday, October 31, 2025

**IT IS SO STIPULATED.**

DATED: February 26, 2025

Dated: February 26, 2025

BY: /s/ Melanie Bernstein Chapman

BY: /s/ Luke Busby

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DATED: February 26, 2025

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BY: /s/ Gene Burke

BY: /s/ Katherine Parks

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**IT IS SO ORDERED:**

  
UNITED STATES MAGISTRATE JUDGE

DATED: February 26, 2025